A few were received too late for circulation and I beg to submit them now to the Council.

The Secretary then read out the following :—

1. A Telegram from the Kanappatta Kudiyans of Tiruvalla on the Jenmi and Tenant Bill.

2. Letter from the Junior Rajah of Pooniat regarding the operation of the Game Preservation Bill in a portion of the Chief's lands included in the Schedule.

3. Petition from Moothakani Mullen and others of Thachmalai on the Game Preservation Bill.

THE PRISONS BILL.

SECTION 3.

Mr. Rama Vurma moved that the following clause be added after clause (1 A) :—(1 B) "Correctional quarter" means that part of the prison where females under sixteen years of age are confined.

He said :—The object of this addition to the definitions will be apparent from another amendment I wish to propose under section 28. I must therefore anticipate a little. That other amendment is this—The following sentence be added after the word "prisoners" in the fourth line (section 28) :—"Girls under sixteen shall be confined in correctional quarter in such manner as to prevent their seeing, conversing or holding any intercourse with female prisoners above sixteen." I for one do not see why the special treatment which has been considered necessary in the case of *male* juveniles should be denied to female juveniles. In fact I should think that the latter from their more impressionable and gentler nature require better protection from the danger of associating with adult and hardened criminals.

Mr. Krishnaswamy Rao :—Perhaps the expression 'young female ward' or 'young girls' ward' would be more suitable. 'Correctional' might imply some instruction as in a Reformatory, and I believe segregation alone is now recommended.

Mr. Rama Vurma :—I am not very particular about the term. All that I want to impress on the Council is the great desirability of having a clear provision for the separation of this class of prisoners. I need hardly say that the progress of enlightenment which has shown that education is a necessity for *females* no less than for *males*—a necessity the practical recognition of which is seen in the many flourishing girls' schools in the country—demands the step I urge on the Council.

Mr. Ramanatha Rao :—I quite feel with Mr. Rama Vurma, but I do not know whether any such special provision as he contemplates is now called for. It is but very rarely that we have young girl convicts. In fact if any such provision is passed, it must mean, to any luckless girl that might come in, imprisonment of a character not far removed from solitary confinement. Even among the adult female convicts we seldom come across audacious and hardened criminals as among males. I may further point out that the Bill as it stands provides for such contingencies if they should arise. I refer to section 59 under which the Government is competent to frame rules for the separation of prisoners &c. This would meet requirements I should think.

Mr. Rama Vurma :—I do not then care to press the amendment.

SECTION 7.

Mr. Rama Vurma moved that in para 3 seven words after the word 'of' in the 2nd line be omitted and the words 'the number in excess of what can' be substituted.

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He said:—The words I propose to substitute would remove a possible ambiguity and make clear beyond a doubt the meaning intended, viz. that the excess number alone have to be accommodated in temporary prisons—not *all* the convicts including those already conveniently lodged in the prison.

The President:—I do not think there can be any doubt about the sense.

Amendment withdrawn.

SECTION 12.

Mr. Thanu Pillai:—I beg to move that the words "so far as they are not inconsistent with the provisions of this Regulation" be inserted between the words 'Our Dewan' and 'the Superintendent.'

The addition of these words is, I think, desirable to obviate the chance of any conflict between the provisions of the Regulation and the Dewan's orders.

Seconded by Mr. Prince.

Carried.

SECTION 27.

Mr. Rama Vurma:—I beg to propose that in clause (2) the words "in a condition fit" be substituted for the words "free from any illness rendering him unfit"

There may obviously be cases where the prisoner is found unfit for removal on grounds other than "illness" *e. g.* a female prisoner in an advanced stage of pregnancy and so forth. The amendment I have now proposed will meet such contingencies.

Seconded by Mr. Thanu Pillai.

Carried.

CLAUSE (3)

Mr. Thanu Pillai:—The amendment which stands in my name under this section is this—That the words "nor until, in the opinion of the Medical officer or Subordinate, such discharge is safe" be added after the word "distemper" in line 2. I would make a small alteration in the wording, viz. substitute 'unless' for 'nor until.' Apparently this is little more than a mere verbal alteration. But I think it brings out the *raison d'etre* of the provision more clearly which, I take it, is to provide not for prisoners being kept in custody even when they are willing to avail themselves of the discharge, on the ground of their suffering from any acute distemper; but for sending them out even when they do so suffer, if the medical opinion is not against the course. Once the time for discharge arrives, nothing can justify a prisoner's further detention *against his will*. He has suffered his punishment and he emerges a free citizen. On the other hand, Government have the right of turning out convicts even though they do not choose to leave on the plea of illness, if the Medical officer thinks he can be discharged with safety. Convicts may often be tempted to feign illness and linger. On this very point I see there was some interesting discussion in the Viceregal Council when the Bill which became Act IX of 1894 was under consideration. The adoption of the word 'unless' was suggested by Sir Griffith Evans, and Sir Antony MacDonnell who was in charge of the Bill was not unwilling to accept the suggestion: He observed:—"I have much sympathy with Sir Griffith Evans' view that the word 'unless' would have been more appropriate in this section and that it should have been substituted for the words 'nor until.' I was disposed at one time to divide the Council upon that matter, but in as much as the Select Committee were in harmony on most points, I thought it better not to strike a discordant note on this. However I am prepared to accept an amendment in the direction indicated by my hon'ble and learned friend, should he be disposed to propose one and should the Council Rules allow." We have happily no such discordant note to fear and I trust the modification proposed will commend itself to the Council.

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Mr. Prince :—A sick prisoner may long to die in the midst of his family and under his own roof. I beg to second the amendment.

Carried.

SECTION 28. (1)

Mr. Rama Vurma :—I have already dwelt upon my amendment under this section. I withdraw it.

SECTION 36. (1)

Mr. Rama Vurma moved that the word 'eight' be substituted for the word 'nine' in the fourth line.

Mr. Thanu Pillai :—'Nine hours,' it has to be observed, is the *maximum* duration. In most cases the actual labour may not perhaps be even eight hours, strictly viewed.

Amendment withdrawn.

SECTION 36. (2)

Mr. Thanu Pillai :—I beg to move that the words "while they are employed" be added after the words "labouring prisoners."

The corresponding section in the British Act contains these words. This has been suggested as a necessary addition. The time when they are actually at work is of course the best time for the Medical Officer to examine them and ascertain their normal condition.

Mr. Krishnaswamy Rao :—Perhaps the words have been put in also for the purpose of enabling the Medical officer to find out whether any convict unfit for labour is made to work.

Seconded by Mr. Nagam Aiya.

Mr. Ramanatha Rao :—I oppose the amendment. The existing conditions of labour provided for our convicts will not admit of it. In British prisons where the bulk of labour is intra-mural, the proposed provision can easily be carried out. Here the case is the reverse.

Mr. Bensley :—I support Mr. Ramanatha Rao. To be sure, the Medical officer cannot be expected to trot down to every nook and corner of the town where the prisoners are now detailed for work.

The amendment was put to the Council and lost.

SECTION 41.

Mr. Rama Vurma :—The next amendment on the paper is mine, viz.—that the following be added as a new para :—

"Female prisoners may see their relatives or children once a month but only in the presence of some responsible officer of the Jail."

But I would not press the motion.

SECTION 42. (1)

Mr. Rama Vurma moved that the following be added as a new para in clause (1) :—In the case of female visitors the search shall be made by the matron or a female warder.

He said :—The necessity of the addition is obvious and there is nothing new in it. It is simply the extension of the principle recognised in section 25 clause (3).

Seconded by Mr. Ramanatha Rao.

Carried.

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SECTION 46. (5) and (13)

Mr. Rama Vurma withdrew his amendment under this section, viz. that clauses (5) and (13) be omitted.

SECTION 51.

Mr. Thanu Pillai :—I beg to move that the following clause be added as clause (4) :—'In cases referred to in clauses (2) and (3), the Superintendent shall, if there is a difference of opinion between himself and the Medical Officer or Subordinate, refer the same for the orders of the superior authority.' In view of possible differences of opinion that may exist between a Superintendent and a Medical officer this amendment provides a safeguard which is necessary especially in mofussil prisons where the Medical Officers may not always be of sufficient status.

Seconded by Mr. Muthunayagom Pillai.

Carried.

SECTION 59. (11)

Mr. Thanu Pillai :—I have to propose a mere verbal alteration :—that the words "and the" be inserted before "guidance" and the word "appointed" between the words "all officers" and "under this Regulation."

Seconded by Mr. Bensley.

Carried.

SECTION 61.

Mr. Thanu Pillai :—The Bill as it now stands has been considered defective in that it omits to provide for the exercise of the Superintendent's authority or powers when no Superintendent is appointed in jails other than the Central Prison. Section 6, it will be noted, is only permissive and section 61 provides only for the absence from duty of an officer *already appointed*, while, in section 8 and throughout the Bill, the existence of a Superintendent for every jail appears to be assumed.

In view to remove this defect I would propose that the words 'in his absence' in the 2nd line be omitted.

Seconded by Mr. Prince.

Carried.

Mr. Thanu Pillai then moved that the Bill, as amended, be passed.

The motion was put and agreed to.

THE GAMBLING BILL.

Mr. Bensley presented the Select Committee's Report and moved that the Report together with the Bill as amended by them be taken into consideration.

Seconded by Mr. Thanu Pillai.

SECTION 3.

Mr. Rama Vurma moved that the words 'knowing that it is to be utilised' be inserted between the words 'money' and 'for' in the tenth line.

President :—The meaning is, I think, quite clear without this addition. There is the phrase 'for the purpose' going with 'advances or furnishes money'.

Amendment withdrawn.

SECTION 4.

Mr. Rama Vurma moved that the whole line after the word 'gaming' in line 3 be omitted.

He said :—How are we to prove that the person was there *for the purpose of gaming*. The Select Committee say:—'Idle curiosity may take many a person to such a place.'

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